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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

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In re:	:	Chapter 11
	:	
	:	Case No. 08-35653 KRH
CIRCUIT CITY STORES, INC et al.,	:	
Debtors	:	Jointly Administered
	:	
	:	
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**RESPONSE**

BY NAMSUNG AMERICA INC.

TO "DEBTORS' (I) FIFTY-FIRST OMNIBUS OBJECTION TO CERTAIN  
503(b) (9) CLAIMS AND (II) MOTION FOR A WAIVER OF THE REQUIREMENT  
THAT THE FIRST HEARING ON ANY RESPONSE PROCEED AS A STATUS  
CONFERENCE"

**RESPONSES TO THE OBJECTION**

Comes now Namsung America, Inc., a creditor, and a Florida  
Corporation which has its headquarters at 250 International Pkwy Ste  
230, Heathrow, FL 32746 ("Namsung") and responds as follows to the  
debtor's (I) FIFTY-FIRST OMNIBUS OBJECTION TO CERTAIN 503(b) (9)  
CLAIMS AND (II) MOTION FOR A WAIVER OF THE REQUIREMENT THAT THE  
FIRST HEARING ON ANY RESPONSE PROCEED AS A STATUS CONFERENCE",

**ECF ORIGINAL**

FILED 11/2/09

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(the "Objection"), as follows.

(1) Namsung admits the allegations of the debtors in the Objection, paragraphs 1., 2., 3., 4., 5., 6., 7., and 8.

(2) Paragraphs 9. and 10. of the Objection are in the nature of a prayer for relief, a request, or statement of intention requiring no responses. To the extent that any response is required to the allegations in Paragraphs 9. and 10., they are denied or are objected to.

(3) Paragraphs 11. and 12. of the Objection also are in the nature of a prayer for relief, a request, or statement of intention requiring no responses. However, Namsung, has no objection to the debtors' motion to waiving the "status conference" of the first hearing on November 12, 2009, the court hearing legal arguments, and reserving any factual disputes for a subsequent hearing after appropriate discovery.

(4) Regarding the allegations of the debtors' in paragraph 13. of the Objection, Namsung, has no knowledge, and insufficient information to either admit or deny as to the allegation that "Debtors have not completed their review of the validity of all claims filed against their estates, including the 503(b)(9) Claims."

And contrary to the assertion in the Objection, and found on page 3 of the debtors' brief in support of their objection debtors'

state as follows.

"the Debtors thoroughly reviewed and analyzed the transfers made to the Claimants within 90 days of the Petition Date and for the two-year prior thereto."

And it should be noted that in about a week on November 10, 2009, this case will have been pending for a full year, more than enough time for the debtors to have prosecuted an adversary proceeding against Namsung, if they felt a "preference" had occurred.

(5) Regarding the allegations of the debtors' in paragraph 14. of the Objection, Namsung, also reserves the right to modify, supplement and/or amend this Response as it pertains to its 503(b)(9) Claim.

(6) Namsung has insufficient knowledge, and information to either admit or deny the allegations of the debtors in paragraph 15. of the Objection.

(7) Namsung has insufficient knowledge, and information to either admit or deny the allegations of the debtors in paragraph 16. of the Objection. However, Namsung has no objection to the service it received of the debtors' Objection.

(8) Paragraphs 17. of the Objection is in the nature of a prayer for relief, a request, or statement of intention requiring no responses. Namsung intends to file and serve a response to

the objection on or before November 4, 2009, at 4:00 p.m.  
Namsung objects to entry of the proposed Order Exhibit A attached to the Objection.

(9) Namsung has insufficient knowledge, and information to either admit or deny the allegations of the debtors in paragraph 18. of the Objection.

(10) Namsung has insufficient knowledge, and information to either admit or deny the allegations of the debtors in paragraph 19. of the Objection.

**AFFIRMATIVE ALLEGATIONS**

(11) On previous motion of the debtors, Namsung's claims, both its 503(b)(9) claim and its non priority proof of claim were adjusted and set by the court order of August 13, 2009.

(12) Now, on the eve of a chapter 11 plan confirmation hearing with its attendant voting and administrative expense payment processes, debtors improperly attempt to partially "disallow" Namsung's administrative 503(b)(9) claim based on what debtors' admit is a "color of a claim", for a possible preference avoidance. Debtors make their objection without having prosecuted for a year since the bankruptcy filing an appropriate adversary proceeding or even now presenting their analysis as to any details of a voidable preference. They are now attempting to

do indirectly, what they failed to do directly - prosecute their alleged preferential claims.

(13) The relationship between the new BAPCPA Section 503(b)(9) and 502(d) is not clear and settled and may not operate as the debtors contend in their Objection and brief. Section 502(d) may not be available as the debtors argue to invalidate totally or partially a 503(b)(9) claim.

(14) Additional Information and documents offered by the debtor at "www.kccllc.net/circuitcity" are no offer at all because gaining access to that website requires the "acceptance" of controversial terms to which creditors and parties in interest should not have to yield on prior to gaining access.

**WAIVER OF SEPARATE MEMORANDUM OF LAW**

(15) Pursuant to Local Bankrupt Rule 9013, the Namsung requests that this Court waive the requirement that all motions be accompanied by a separate written memorandum of law.

**WHEREFORE**, the Namsung respectfully requests that this Court enter an order denying the Objection of the debtors insofar as it applies to Namsung, and granting such other and further relief as is just and proper.

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NAMSUNG AMERICA



/s/ Leonard E. Starr, III

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By Counsel

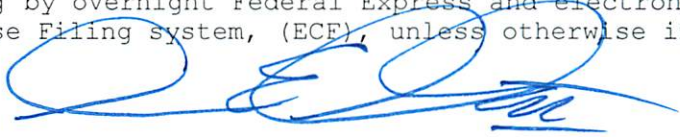
November 2, 2009

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PROOF OF SERVICE

I hereby certify that on November 2, 2009, I served a true copy of the foregoing to the following by overnight Federal Express and electronically through the Electronic Case Filing system, (ECF), unless otherwise indicated.



/s/ Leonard E. Starr, III

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Leonard E. Starr, III

The Honorable William C. Redden  
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